

RECEIVED  
MAR 15 1999  
FCC MAIL ROOM

1050<sup>am</sup> WBNC  
93.5 WmWV

POST OFFICE BOX 2008 · CONWAY, NEW HAMPSHIRE 03818

(603) 447-5988

EXPRESS MAIL  
Article Number EE106376835US

March 12, 1999

Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A325  
Washington, DC 20554

RE: MM Docket No. 99-8, RM-9433  
Proposed Allotment, Channel 247A  
Mt. Washington, NH

Dear Sir:

Enclosed please find an original and four copies of the "Comments and Counterproposal" which North Country Radio, Inc. submits concerning the above-named proposed rulemaking.

North Country Radio also encloses a "Certificate of Service", testifying service on the petitioner, Dana J. Puopolo of Rehobeth, MA.

In the event that you require any additional information, I may be reached at (603) 447-5988.

Sincerely,



Charles E. Osgood  
Vice-President

enc.

No. of Copies rec'd 0+4  
List A B C D E

**RECEIVED**  
**MAR 15 1999**  
**FCC MAIL ROOM**

Before The  
Federal Communications Commission  
Washington, DC 20554

In the matter of	)	
	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket 99-8
Table of Allotments,	)	RM-9433
FM Broadcast Stations.	)	
(Mt. Washington, NH)	)	

COMMENTS AND COUNTERPROPOSAL

To the Chief, Allocations Branch:

1. North Country Radio, Inc. herein submits its Comments and Counterproposal in the above-referenced proceeding.
2. In the proceeding Dana J. Puopolo seeks to amend section 73.202(b) of the Commission's rules to assign FM Channel 247A to Mount Washington, New Hampshire as its second local service.
3. Attached is an engineering statement by the firm of R. M. Smith Associates, Broadcast Technical Consultants. The firm examined the coverage area and the population served by the proposed allotment to Mt. Washington.
4. The statement determines that Channel 247A can also be allotted to Jefferson, NH in full compliance with Commission rules and states that this would provide Jefferson, NH with the Community's first local aural service.
5. The statement shows that allotting Channel 247A to Jefferson instead of Mt. Washington would increase the population served by the 60 dBu F(50,50) contour of the station from 26,785 persons to 53,504 persons, and indicates that there is no alternative allotment available for Jefferson.
6. North Country Radio notes that the summit of Mt. Washington is located in unincorporated Sargents Purchase and that the 1990 Census lists no place called Mt. Washington.

7. North Country Radio states that Jefferson, New Hampshire is a rural agricultural and vacation-resort community located north of Mt. Washington. The Township of Jefferson was incorporated in the year of 1796 and the population of Jefferson was determined to be 965 persons by the 1990 United States Census. Jefferson has its own US post office and zipcode (03583). The Town of Jefferson is governed by a Board of Selectmen and the town includes the Post Office, the Jefferson Town Hall, the Jefferson Fire Department, the Jefferson Elementary School and the Jefferson Public Library. Jefferson's populace attends three churches located within the town. Jefferson civic organizations include the Starr King Grange, the Waumbek Methna Snowmobile Club, the Jefferson Historical Society and the Jefferson Conservation Commission. Businesses located within Jefferson include Central Asphalt Paving, Cherry Pond Designs (a furniture manufacturer), Mike Gray & Son Trucking and Excavating, Ingerson Repair, the Jefferson Irving Mainway (a gas station/convenience store), Josselyn's Sawmill, Inc., LaLumiere Trucking, North Country Concrete, the Old Corner Store (a gas station/convenience store), SDI Signs, and White Mountain Mulch Products, Inc. Lodging establishments located within Jefferson include Alpine Forest Motel, Applebrook Bed & Breakfast, the Evergreen Motel, Jefferson Campgrounds, the Jefferson Inn, the Lantern Inn, Majestic View Cabins & Lodge, and the Skywood Manor Motel. Two tourist attractions, Santa's Village and Six Gun City, are also located within Jefferson, as is the Waumbek Golf Course.

8. North Country Radio states that Jefferson therefore meets the Commission's definition of a "Community".

9. North Country Radio states that, if the Commission allots Channel 247A to Jefferson, it will submit an application to apply for a construction permit for the channel and, if granted, will promptly construct and operate the station.

North Country Radio makes the COUNTERPROPOSAL that since FM channel 247A would be the first local service for Jefferson, NH and since the number of persons served by the 60 dBu contour at Jefferson would be more than twice the number served by the 60 dBu contour at Mt. Washington, the public interest, convenience and necessity would be served if the Commission were to allot FM Channel 247A to Jefferson instead of to Mt. Washington.

WHEREFORE, North Country Radio asks the Commission to DENY the Petition (RM-9433) to add an allotment for Channel 247A to Mt. Washington, New Hampshire, and respectfully requests that the Commission instead amend Section 73.202(b) of the Commission's Rules as follows:

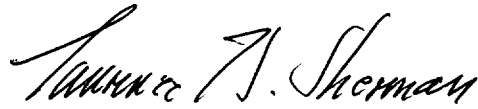
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Jefferson, NH	---	247A

I hereby certify that all of the data and information contained in these comments is true and correct to the best of my knowledge and belief.

Respectfully submitted,

NORTH COUNTRY RADIO, INC.

BY:



Lawrence H. Sherman

Its President

North Country Radio, Inc.  
P. O. Box 2008  
Conway, NH 03818

March 12, 1999

# **R. M. SMITH ASSOCIATES**

BROADCAST TECHNICAL CONSULTANTS  
8 DEER RUN ROAD WINDHAM, NEW HAMPSHIRE 03087  
(603) 894-6968 FAX (603) 894-5546  
E-MAIL rmsmith@ma.ultranet.com

**ENGINEERING STATEMENT**  
**IN SUPPORT OF**  
**COMMENTS AND COUNTERPROPOSAL**  
**FILED BY**  
**NORTH COUNTRY RADIO, INC.**  
**ON A**  
**PETITION FOR RULEMAKING**  
**MASS MEDIA DOCKET NO. 99-8 - RM-9433**

Prepared by:  
R.M. Smith Associates  
Windham, NH

March 11, 1999

## **PURPOSE AND SCOPE**

The Comments and Counterproposal by North Country Radio, Inc. ("NCR"), of which this Statement is a part, requests that the Federal Communications Commission deny the Petition (RM-9433) as proposed to add an allotment for Channel 247A to Mt. Washington, NH and instead allot Channel 247A to Jefferson, NH.

## **ALLOTMENT SITE**

Channel 247A can be allotted to Jefferson, NH at coordinates N44-23-40, W71-25-15 in full compliance with the provisions of 47 C.F.R. 73.207(b)(1) with respect to all domestic stations and allotments. The site proposed in this Counterproposal (as is the site in the original PRM) is short-spaced to some Canadian facilities and NCR requests that the allotment in Jefferson, NH be requested as a specially negotiated short-spaced allotment with respect to Canada.

The allotment of Channel 247A to Jefferson, NH is mutually exclusive with the allotment of Channel 247A to Mt. Washington, NH.

A full Class A facility located at the allotment site will provide 70 dBu or better service to all of Jefferson, NH.

## **FIRST VERSUS SECOND LOCAL SERVICE**

As proposed, Channel 247A would be allotted to Mt. Washington, NH, as the second local aural service. Mt. Washington is already the community of license for WHOM(FM), 235C. The allotment of Channel 247A to Jefferson, NH would provide this community with its first local aural service.

## **POPULATION COVERAGE**

Due to its altitude, a Class A facility atop Mt. Washington would be limited to approximately 0.042 kW to comply with 47 C.F.R. 73.211(b)(1). A facility complying

with these requirements would generate a 60 dBu F(50,50) contour encompassing 2558 square kilometers and 26,785 persons (1990 Census).

A Class A facility at the location specified in this Counterproposal could operate at a full class maximum power of 6.0 kW (except where restricted toward the Canadian border). Such a facility, at 100 meters HAAT, would generate a 60 dBu F(50,50) contour encompassing 3311.6 square kilometers and 53,504 persons (1990 Census).

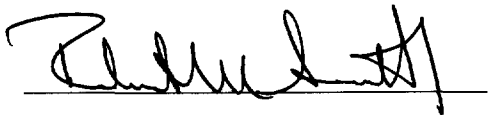
The large increase in population is due to Mt. Washington's location in an area surrounded by a largely unpopulated National Forest and Wilderness Area.

#### **LACK OF ALTERNATE CHANNEL**

An exhaustive search of the Commission's FM database revealed no alternative channel which can be allotted to Jefferson, NH.

#### **CERTIFICATION**

I, Robert M. Smith Jr., of Windham, NH, do hereby certify that all of the statements and data contained in this Statement are true and correct to the best of my knowledge and belief. I further state that I am an experienced and qualified broadcast engineer, and that my qualifications are a matter of record with the Federal Communications Commission.

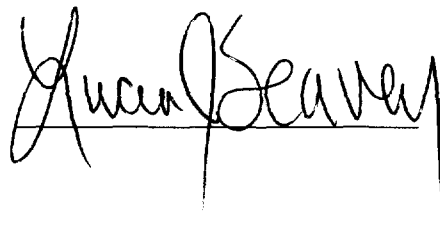
A handwritten signature in black ink, appearing to read 'Robert M. Smith Jr.', is written over a horizontal line.

Robert M. Smith Jr.

CERTIFICATE OF SERVICE

I, Lucia J. Seavey, Office Manager of North Country Radio, Inc., do hereby certify that a true copy of the foregoing "Comments and Counterproposal" by North Country Radio regarding MM Docket No. 99-8, RM-9433 was sent this 12th day of March, 1999 by first-class United States mail, postage prepaid, to the following:

Mr. Dana J. Puopolo  
37 Martin St.  
Rehobeth, MA 02769-2103

A handwritten signature in black ink, reading "Lucia Seavey". The signature is written in a cursive style with a horizontal line drawn across the middle of the name.